

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 177A.6 and 177A.13, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 46, “Crop Pests,” Iowa Administrative Code.

The invasive pest that kills ash trees, the Emerald Ash Borer, has been found in the state; and a quarantine has been established for Allamakee County. Under the proposed amendments, firewood offered for sale, sold or distributed would need to be identified by the county and state of origin. Wood may be moved under a compliance agreement or limited permit. Clarifying language is added to provide that certificates can be revoked for regulatory noncompliance. The Department plans to make these amendments effective January 1, 2011.

Any interested persons may make written suggestions or comments on the proposed amendments on or before August 1, 2010. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or E-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

These proposed amendments are subject to the Department’s general waiver provision.

These amendments are intended to implement Iowa Code sections 177A.8 and 177A.13.

The following amendments are proposed.

ITEM 1. Amend rule 21—46.13(177A) as follows:

**21—46.13(177A) Certificates.** Certificates issued to nursery growers, ~~or~~ nursery dealers or signees of compliance agreements pertaining to regulated articles are nontransferable and are for the exclusive use of the one to whom they are issued. Certificates may be revoked by the state entomologist for a failure to comply with regulatory requirements.

ITEM 2. Adopt the following new rule 21—46.16(177A):

**21—46.16(177A) Firewood labeling.** Every package of firewood offered for sale, sold or distributed must include the harvest location of the wood by county and state. The harvest location of wood sold in bulk must be included on the delivery ticket. These provisions apply to any length of tree that has been cut. A limited permit may be issued by the state entomologist or a compliance agreement may specify the regulations which would allow the movement of the wood. The limited permit or compliance agreement is not transferable and may be revoked by the state entomologist for noncompliance or failure to comply with regulatory requirements.